

Notice of Allowability

Application No.

10/629,260

Examiner

Mark Ruthkosky

Applicant(s)

FAYE ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/28/2006.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

MARK RUTHKOSKY
PRIMARY EXAMINER
[Signature] 12-20-2006

DETAILED ACTION

Claim Objections

The objection to claims 1-29 has been overcome by applicant's amendment.

Claim Rejections - 35 USC § 112

The rejection of claims 10-11 under 35 U.S.C. 112, second paragraph, has been overcome by applicant's amendment.

Allowable Subject Matter

Claims 1-29 are allowed.

The instant claims are to a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises a cooling apparatus for cooling at least one cooling element.

The prior art does not teach a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises a cooling apparatus for cooling at least one cooling element. The prior art does not appear to teach a fuel cell comprising a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell wherein the pressurized fuel tank includes a pressure-reducing unit that comprises a cooling

Art Unit: 1745

apparatus for cooling at least one cooling element and reducing said fuel supply pressure to an operating pressure of the fuel cell.

The most pertinent prior art includes Kamoshita et al (US 5,041,344), which teaches a fuel cell cooling device that includes a throttle in a cooling line to expand and reduce the pressure of the coolant (see claim 1.) The reference not teach a fuel cell apparatus comprising a fuel cell, a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell, wherein said pressure-reducing unit comprises a cooling apparatus for cooling at least one cooling element. The prior art does not appear to teach a fuel cell comprising a pressurized fuel tank for supplying fuel at a supply pressure and a pressure-reducing unit for reducing said supply pressure to an operating pressure of the fuel cell wherein the pressurized fuel tank includes a pressure-reducing unit that comprises a cooling apparatus for cooling at least one cooling element and reducing said fuel supply pressure to an operating pressure of the fuel cell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-

Art Unit: 1745


6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free.)

Mark Ruthkosky

Primary Patent Examiner

Art Unit 1745



12.20.2006